

## FOR PUBLICATION

# LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN ANNUAL REVIEW LETTER 2021

---

**MEETING:** (1) STANDARDS AND AUDIT COMMITTEE  
(2) CABINET MEMBER FOR FINANCE AND GOVERNANCE

**DATE:** (1) 29<sup>TH</sup> SEPTEMBER 2021  
(2) tbc

**REPORT BY:** MONITORING OFFICER

**WARD:** ALL

---

### **1.0 PURPOSE OF REPORT**

1.1 To inform members about the Local Government and Social Care Ombudsman Annual Review Letter.

### **2.0 RECOMMENDATION**

2.1 To note the report.

### **3.0 BACKGROUND**

3.1 Each year local authorities are sent an annual review letter by the Ombudsman. This summarises statistics about complaints received by the Ombudsman and their outcome.

3.2 This report informs members about the latest annual letter, received in July 2021, relating to Chesterfield Borough Council's performance in the year ending 31<sup>st</sup> March 2021.

3.3 A complaint to the Ombudsman stage is the final stage that a complaint about council service can be taken. The Ombudsman usually requires a complaint to have completed all stages of the Council's internal procedures before

considering it<sup>1</sup>. This can mean that a complaint is referred back to the Council if it has not completed the internal stages.

#### **4.0 ANNUAL LETTER**

- 4.1 A copy of the Annual Letter is attached at Appendix 1.
- 4.2 The letter shows that 7 complaints were made about the council to the Ombudsman in the period 1<sup>st</sup> April 2020 to 31<sup>st</sup> March 2021 (in 2020 15 complaints were made).
- 4.3 These related to Benefits and Tax (1), Corporate & Other Services (1) Planning and Development (3), Housing (1) and Education and Childrens Services (1)<sup>2</sup>.
- 4.4 Of the complaints, 1 was referred back for local resolution (these are typically because the Council's internal complaints procedures have not been used or used completely) in this case it was the one which appeared to relate to a county function (see note 1), 1 was closed after initial enquiries. On 1 advice was given. Individual decisions can be viewed on the Ombudsman website<sup>3</sup>. It is not possible to discuss individual cases at the meeting as to do so would risk disclosing personal data.
- 4.5 Four complaints were upheld by the Ombudsman in the year. In all cases the authority had provided a satisfactory remedy, in the benefits and tax case a satisfactory remedy was provided before the complaint reached the Ombudsman. Of the upheld cases, the two planning complaints related to development on the same site, and delay by the authority in dealing with the complaint, undoubtedly resulted from other priorities arising from the pandemic, contributed to the complaint being upheld. The remaining case related to an allotment run by an association (i.e. not the council), but the Ombudsman considered more should have been done by the council in intervening in a dispute between the association and an allotment holder. In the five preceding years no complaints had been upheld against the Council.
- 4.6 The Annual Review Letter also refers to the effect of Covid-19 on the Ombudsman service (all their casework stopped between March and June 2020, but not paused during further waves of the pandemic), contains

---

<sup>1</sup> <https://www.chesterfield.gov.uk/home/about-this-website/contact-us/comments-complaints-compliments.aspx>

<sup>2</sup> Possibly a LGO error as this appears to be a DCC function related complaint.

<sup>3</sup> <https://www.lgo.org.uk/Decisions/SearchResults?t=both&fd=0001-01-01&td=2020-9-8&dc=c%2Bnu%2Bu%2B&aname=Chesterfield+Borough+Council&sortOrder=descending>

information about interpretation of performance, the interactive data map (see below) and complaint handling training and best practice advice.

4.7 The letter includes a general comment about reduction in effective complaint handling functions in local authorities linked by the Ombudsman to budget pressures and the Covid pandemic. This is emphasized in the national Ombudsman Annual Report<sup>4</sup>.

## **5.0 COMPARISON OF RECENT YEARS**

5.1 A table attached at Appendix 2 compares the past 5 years of Annual Letters.

5.2 With 2020 has the second highest number of complaints (2018 had 17, though 6 years ago - 2015 - had 23).

5.3 In no cases in the last 5 years were complaints about the Council upheld by the Ombudsman. This is also consistent with the Council's performance in years prior to 2015.

5.4 The Ombudsman website contains an interactive data map of council performance. This is at:

<https://www.lgo.org.uk/your-councils-performance>.

5.5 The national average for upheld complaints and figures for nearby local authorities is as follows:

	Upheld complaints
<i>National Average</i>	<i>53% (71% for counties)</i>
Chesterfield Borough Council	100% (4 of 4)
Derbyshire County Council	68% (13 of 19)
Derbyshire Dales District Council	100% (1 of 1)
North East Derbyshire District Council	50% (1 of 2)
Bolsover District Council	100% (1 of 1)

## **6.0 CONCLUSION**

6.1 There has been a dip in the Council's performance over the past year. Particular circumstances relating to the pandemic and individual cases contributed to this outcome.

---

<sup>4</sup> <https://www.lgo.org.uk/information-centre/news/2021/jul/ombudsman-annual-review-highlights-widening-cracks-in-council-complaints-systems>

## **7.0 RECOMMENDATION**

7.1 To note the report.

## **8.0 REASON FOR RECOMMENDATION**

8.1 To inform members about the Council performance on complaints to the Ombudsman.

GERARD ROGERS  
MONITORING OFFICER

Further information from Gerard Rogers, Monitoring Officer and Regulatory & Local Government Law Manager, Legal Services - Tel 345310 or [gerard.rogers@chesterfield.gov.uk](mailto:gerard.rogers@chesterfield.gov.uk)